

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 17, 2010

DIVISION ONE

B210909 People
 v.
 Ian M. King

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.

DIVISION TWO

B212907 Levitt (Not for Publication)
 v.
 Ross

The judgment is affirmed.

Boren, P.J.

I concur: Ashmann-Gerst, J.

I concur and dissent: Chavez, J. (Opinion)

B215607 A.C. a Minor, etc. (Not for Publication)
 v.
 Pomona Unified School District

The judgment is reversed. Costs on appeal are awarded to appellant.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

May 17, 2010 (Continued)

DIVISION TWO (continued)

B212724 Ramsey (Not for Publication)
v.
Ramsey

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B218568 In re Russell Waters (Not for Publication)
on
Habeas Corpus

The superior court's order granting Waters's petition for writ of habeas corpus is affirmed. Thus, the Governor's 2008 decision reversing the Board's 2008 grant of parole is vacated and the Board's 2008 grant of parole is reinstated on the terms and conditions stated therein.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B217033 Reyes (Not for Publication)
v.
Reyes

The April 21, 2009, court order finding that it has no jurisdiction over property issues and directing that wife contribute \$4,000 toward defraying husband's attorney fees and costs is affirmed. Husband is entitled to costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B211477 People (Not for Publication)
v.
Jamar Lavell Manard

The judgment is affirmed in part and reversed in part. The convictions are affirmed. That portion of the judgment which imposes a 10-year enhancement pursuant to section 186.22, subdivision (b)(1)(C), is reversed. The abstract of judgment shall be amended to reflect that the sentence on count 2 is stayed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B213615 Amarillys Laclette, Jr. (Certified for Publication)
v.
Alexis Galindo, et al.

The judgment is reversed. Laclette shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

May 17, 2010 (Continued)

DIVISION FOUR

B213628 People (Not for Publication)
v.
Madera

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B216612 Direct Shopping Network, LLC. (Not for Publication)
v.
Interweave Press, LLC.

The order denying the motion to strike is reversed. Interweave is awarded costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FIVE

B215220 Tracey Fuller, et al. (Not for Publication)
v.
Kelly Services, et al.

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION FIVE (continued)

B219925 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Valerie G., et al.
In re Nathalie A., et al., Persons Coming Under the Juvenile Court Law

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION SIX

B218196 Bjorn Reddington and Kathleen Reddington (Not for Publication)
v.
County of Santa Barbara

The judgment is affirmed. County is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B211138 Porco (Not for Publication)
v.
Helm

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B218299 People (Not for Publication)
v.
Aguirre

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B213721 People (Not for Publication)
v.
Arceo, et al.

We vacate the sentences, and remand for resentencing as to the crimes that are punishable by determinate terms. (§ 246 & Health & Saf. Code, § 11359.) We direct the trial court to grant presentence custody credits to both appellants, if it has not done so already, and to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B213862 Watts (Not for Publication)
v.
Curry, et al.

The orders are affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

May 17, 2010 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B217711 People (Not for Publication)
v.
McPherson

The order directing appellant to pay Miracle Embroidery \$6,510, Quick Stop Market \$245.85, Scott Klimek \$3,700, and Chai Fanning \$1,156.12 is vacated. The judgment, as modified, is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B212309 People
v.
Perez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B213271 People
v.
Delgado

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B216221 Chisato Motoi, et al. (Not for Publication)
 v.
 Rodolfo Caldwell

The order is affirmed. Motoi and Chang are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Segal, J. (Assigned)

B217569 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Stephanie C.

The juvenile court's disposition order is affirmed.

Perluss, P.J.

We concur: Woods, J.
 Jackson, J.

B219861 T-Bird Nevada LLC, et al. (Not for Publication)
 v.
 Outback Steakhouse, Inc., et al.

The order of the trial court dismissing the action is reversed. T-Bird Nevada and the franchisees are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Segal, J. (Assigned)

May 17, 2010 (Continued)

DIVISION EIGHT

B213268 People (Not for Publication)
v.
Lexington National Insurance Corporation

The order denying Lexington's motion to set aside the summary judgment and vacate the forfeiture of its bond is affirmed. Respondent shall recover its appellate costs.

Rubin, J.

We concur: Bigelow, P.J.
Grimes, J.